

**REMARKS**

In summary, claims 1, 3-6, 8-11, 13-16, 18-24, 26, 27, and 29-48 are pending. Claims 1, 3-6, 8-11, 13-16, 18-24, 26, 27, and 29-48 are rejected under 35 U.S.C. §102. A previously submitted declaration is considered ineffective. Applicant respectfully traverses the rejections. No claims are amended. A revised declaration is submitted. No new matter is added.

**Telephone Conversation With Examiner**

Applicant's representative thanks Examiner Hwang for the telephone conversation conducted on November 9, 2006. Examiner Hwang explained that the declaration pursuant to 37 CFR § 1.131 submitted on August 14, 2006, was ineffective to overcome a cited reference (Malloy *et al.*) because the language of the declaration did not expressly state that the invention was reduced to practice, or constructively reduced to practice. Examiner Hwang further explained that, according to MPEP § 715.07 (II) as understood, any mention of diligence required dates of acts relied on to establish diligence. Accordingly, a declaration pursuant to 37 CFR § 1.131 is herein submitted containing an express reference to reduction to practice and dates relied upon to establish diligence.

**Claim Rejections - 35 U.S.C. §102**

Claims 1, 3-6, 8-11, 13-16, 18-24, 26, 27, and 29-48 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0122844, in the name of Malloy *et al.* (hereinafter referred to as "Malloy *et al.*").

In view of the Declaration submitted herewith under 37 C.F.R. §1.131 by inventors Cristian Petculescu, Amir Netz, Mosha Pasumansky, Marius Dumitru, Alexander Berger, and Paul Jonathon Sanders, Applicant respectfully submits that the subject matter of the present application was invented prior to the effective date, December 18, 2002, of Malloy *et al.* The attached declaration is accompanied by an invention disclosure packet dated November 18, 2002, which has been redacted by Applicant's attorney in order to remove unnecessary dates and business-related information that are not pertinent to the claimed subject matter.

**DOCKET NO.:** MSFT-1587/302202.1  
**Application No.:** 10/603,037  
**Office Action Dated:** September 11, 2006

**PATENT**

Attorneys and inventors worked reasonably hard on the application during the time period prior to December 18, 2003 to the filing date, June 24, 2003, establishing constructive reduction to practice. The Examiner is respectfully urged to carefully review the attached declaration, which is signed by all the inventors of the present application, and to withdraw the rejections based on Malloy *et al.* Accordingly, Applicant respectfully requests that the rejection of claims 1, 3-6, 8-11, 13-16, 18-24, 26, 27, and 29-48 under 35 U.S.C. § 102 be reconsidered and withdrawn.

Should the Examiner for any reason feel that the declaration is insufficient, or that additional information is required, the Examiner is respectfully encouraged to call Applicants' undersigned attorney at the phone number provided below.

### **CONCLUSION**

It is requested that the forgoing arguments, remarks, and amendments be entered, and in view thereof, it is respectfully submitted that this application is in condition for allowance. Reconsideration of this application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow this application for any reason, the Examiner is encouraged to contact the undersigned attorney to discuss resolution of any remaining issues.

Date: December 11, 2006

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